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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/533,685 03/23/00 HEARN

M 600.1040

EXAMINER

023280 QM12/0327
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NEW YORK NY 10018

DEXTER, C
ART UNIT

PAPER NUMBER

3724
DATE MAILED:

03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/533,685

Applicant(s)

Hearn

Examiner

Clark F. Dexter

Group Art Unit
3724



☒ Responsive to communication(s) filed on Feb 12, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) 2, 10-14, 16, 17, and 19 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-9, 15, and 18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of group II (claims 1, 3-9, 15 and 18) in the response filed February 12, 2001 (paper no. 6) is acknowledged. Claims 2, 10-14, 16, 17 and 19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Information Disclosure Statement

2. The information disclosure statement filed with the original papers on March 23, 2000 (paper #4) has been received and the references listed thereon have been considered.

Drawings

3. The drawings are objected to because of the following informalities:

In Figure 1, a second lead line should extend from numeral 19 to the other blade location for clarity (i.e., two lead lines should extend from numeral 19 to each location since the same type of blade is at both locations).

In Figure 2, numeral 18 should be deleted and both lead lines should extend from numeral 19 for clarity since both blades are the same configuration; also, a numeral (e.g., 12a)

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should be added to indicate one of the bolts in the left cylinder and a numeral (e.g., 22a) should be added to indicate one of the bolts in the right cylinder.

In Figure 6, a lead line should be provided for numeral 19.

Appropriate correction is required.

Abstract

4. The abstract of the disclosure is objected to because of the following informalities:

In line 5, a work (e.g., which) is missing before “comprises”; in line 7, it seems that “as” should be changed to --of-- for clarity. Appropriate correction is required.

Specification

5. The disclosure is objected to because of the following informalities:

On page 5, lines 6 and 8, the use of the term “elements” renders the description unclear, particularly since it is plural but there is only a single element (i.e., surface) shown, and it seems that each occurrence of “elements” throughout the description should be changed to --surface-- or the like; in lines 22-23, it seems that “a segmented blade 19 which cuts” should be changed to --segmented blades which cut-- since there are two such blades; in line 25, it seems that “blade” should be plural.

On page 6, line 2, it seems that “blade” should be plural; in line 3, it seems that “elements ... extend” should be changed to --surface ... extends--; in line 8, it seems that “the segmented”

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should be changed to --each segmented-- for clarity; in line 17, a numeral (e.g., 12a) should be inserted after “bolts” for clarity; also in line 17, “18” is unclear as to what it refers (in particular, it’s not clear how it’s different from the blade indicated by 19), and it seems that “or elements 18 and” and other references to numeral 18 throughout the description should be deleted; in line 22, it seems that “blade” should be plural.

On page 7, line 7, it seems that “18,” should be deleted; in line 11, a numeral or --(not shown)-- should be inserted after “device” for clarity; in line 21, it seems that “Blade 19 and blade 18” should be changed to --Blades 19-- for clarity; in line 28, it seems that a word (e.g., of) is missing after “width”; in line 29, “surfaces” is inaccurate and should be changed to --edges-- as previously described for numeral 45.

On page 8, line 2, it seems that “cylinder” should read --cylinders 3, 10-- for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1, 3-9, 15 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, structural cooperation is lacking for “a second cutting and nipping device, particularly with respect to the first cutting and nipping device.

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In claim 3, lines 2-3 and 4, "cutting surfaces" is vague and indefinite as to what is being set forth, and it seems that "surfaces" should be changed to --edges-- or the like; in line 3, "nipping elements" is vague and indefinite as to what is being set forth.

In claim 18, lines 3 and 4, "cutting surfaces" is vague and indefinite as to what is being set forth; in lines 3 and 5-6, "nipping elements" is vague and indefinite as to what is being set forth; in line 5, structural cooperation is not positively set forth for "anvil cylinder", particularly with respect to the cutting cylinder.

Prior Art

7. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

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March 26, 2001